REMARKS

Claims 1-21 continue to be the pending claims in the application. Reconsideration of the application in light of the remarks which follow is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ahluwalia (U.S. Patent No. 5,965,257) in view of Langer (U.S. Patent No. 4,600,634).

The Examiner contends that Ahluwalia discloses an article comprising a substrate having an ionic charge which is coated with a coating having essentially the same ionic charge, wherein the coating consists of a filler material and a binder material. The Examiner notes that the substrate is preferably fiberglass and the filler is selected from fly ash, charged calcium carbonate, and ceramic microspheres. The Examiner also notes that the binder used comprises an acrylic latex, specifically Hycar 2679, which contains synthetic soap, that the Examiner contends can be equated with surface active agents or surfactants. The Examiner then contends that because a surfactant is present in Ahluwalia's composition, surfactant-generated microcells would also be present in the material. The Examiner concedes that Ahluwalia does not teach that a metallic component is adhered to the coated substrate on one or both sides. The Examiner alleges that Langer discloses flexible fibrous endothermic sheet materials for fire protection wherein a backing comprising an aluminum foil is added to the backing of the sheet material to give an added degree of strength to the sheet material. The Examiner then contends that it would have been obvious to have used Langer's aluminum sheet to one or both sides of the coated substrate of Ahluwalia.

The Claimed Invention

Claim 1 relates to a composite material comprising a first layer which comprises a surfactant component, surfactant-generated microcells, a filler component and a binder component and a second layer comprising a metallic component adhered to the first layer. Claim 2 covers a composite material comprising a substrate, a first layer adhered to the substrate to provide a coated substrate, and a second layer adhered to the coated substrate, wherein the first layer comprises a surfactant component, surfactant-generated microcells, a filler component and a binder component, and wherein the second layer comprises a metallic component. Claims 3-21 are dependent on claim 1 or claim 2 or both claims.

The Prior Art

Ahluwalia discloses structural article comprising a substrate having an ionic charge coated with a coating having essentially the same ionic charge wherein the coating consists essentially of a filler material and a binder material and wherein the binder material bonds the filler material together and to the substrate and wherein the coating does not bleed through the substrate. By coating the substrate with a coating having essentially the same ionic charge, a zero bleed through product may be produced without a need for a blowing step. *See* Ahluwalia col. 2, lines 3-6. The filler material taught by Ahluwalia is selected from the group consisting of fly ash, calcium carbonate, ceramic microspheres and mixtures thereof. *See* Ahluwalia col. 2, lines 25-27. The binder comprises an acrylic latex, specifically Hycar 2679. *See* Ahluwalia col. 3, lines 5-9. Hycar 2679 polymer emulsion contains synthetic soap, sometimes known as surfactants. *See* Ahluwalia col. 7, lines 16-19. Ahluwalia also teaches the use of a defoaming agent. *See* Ahluwalia col. 2, Table I.

Langer teaches a non-intumescent, non-char forming, endothermic, essentially

inorganic, flexible, fire-protective sheet material. The composition of the flexible sheet comprises an inorganic fiber, an organic polymer binder, and an inorganic endothermic filler wherein the weight ratio of organic to inorganic constituents is less than about 0.10 and wherein the weight ratio of the inorganic endothermic filler to the inorganic fiber is in the range of about 0.5 to 50. A backing, such as aluminum foil, may be added to the sheet material to provide strength. *See* Langer col. 4, lines 8-15.

Ahluwalia Is Not Prior Art Under 35 U.S.C. 103(a)

While Applicants do not believe that the claims in the present application are suggested by Ahluwalia in view of Langer and have thus responded previously, Applicants further wish to point out that Ahluwalia is not prior art to the present invention. To demonstrate this, Applicants submit herewith Mr. Ahluwalia's Declaration under 37 C.F.R. §1.132. In his declaration, Mr. Ahluwalia states that the above-referenced application discloses and claims products that include a composite material comprising a surfactant/surfactant generated microcells/filler/binder "first layer" and a metallic "second layer" adhered thereto. Mr. Ahluwalia further states that the above-referenced application discloses and claims products that further include a substrate adhered to the "first layer" forming a "coated substrate." He notes that he is a co-inventor of the subject matter of this application, having invented the surfactant/surfactant generated microcells/filler/binder "first layer" and the coated substrate which are described on pages 6 et seq of this application.

Mr. Ahluwalia further states that he is the sole inventor of the subject of United States Patent No. 5,965,257 ("the '257 patent") on which the outstanding rejection is based.

Mr. Ahluwalia's coated substrate, which is the basis for the Ahluwalia rejection in the Office Action, is described in detail on pages 3 et seq. of U.S. Provisional

Application No. 60/168,057 filed November 30, 1999, also in detail on pages 5 et. seq of U.S. Patent Application No. 09/663,255 (now U.S. Patent No. 6,586,353), which claims priority to the Provisional Application, and also in detail at column 3 et seq. of U.S. Application Serial No. 09/955,395 (now U.S. Patent No. 6,858,550), which claims priority to the '353 patent as a continuation-in-part application. Indeed, the '257 patent, which issued on October 12 ,1999, was incorporated by reference in the Provisional Application as well as both patents, copies of which are submitted herewith. The present application claims priority to all these applications and thus benefits from the November 30, 1999 filing date under 35 U.S.C. §§ 119(e) and 120 because the present application was copending with Application No. 09/955,395 (now U.S. Patent No. 6,858,550), which claims priority to Application No. 09/663,255 (now U.S. Patent No. 6,586,535), which claims priority to Provisional Application No. 60/168,057.

The '257 patent is not prior art under 35 U.S.C. 103(a), because the subject matter therein which is the basis for the rejection is not the invention of "another" (Mr. Ahluwalia invented it, as he did the "first layer" and the coated substrate in the present invention), and the '257 patent did not issue more than one year prior to the earliest effective filing date of the present invention. With Ahluwalia removed as a reference, there is no basis for rejecting the instant claims in view of Langer.

Conclusion

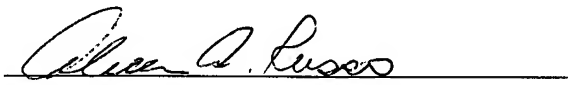
In view of the foregoing remarks and the Declaration of Younger Ahluwalia submitted herewith, Applicants submit that the present invention is now in condition for allowance. Accordingly, favorable reconsideration of the application is earnestly solicited. Please send any further correspondence relating to this application to the undersigned attorney at the address below.

Applicants believe no fee is due in connection with this communication.

However, should any fee be due in connection with this communication, the Commissioner is authorized to charge any such fee to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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Enclosures

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